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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD CRANE (C-44519),

Plaintiff,

v.

JOSEPH DOLIHTE, et al.,

Defendants.

U.S.D.C. Temp. Case No. 2:22-at-00777

Kings County Superior Court No. 14C0180

**NOTICE OF REMOVAL TO FEDERAL
COURT AND REQUEST FOR
SCREENING**

TO THE COURT CLERK AND RICHARD CRANE, PLAINTIFF *PRO SE*:

PLEASE TAKE NOTICE that Defendant G. Lopez hereby removes this action from the Superior Court of the State of California, County of Kings, to the United States District Court for the Eastern District of California, Fresno Division, under 28 U.S.C. §§ 1441(a) and 1446. Removal is based on the original jurisdiction of the district court under 28 U.S.C. § 1331 as follows:

STATEMENT OF JURISDICTION AND BASIS FOR REMOVAL

1. Federal question jurisdiction exists in this Court under 28 U.S.C. § 1331, because the Plaintiff's Complaint alleges violations of the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. section 1983. (*See* Complaint, Ex. A at ppg. 3-4, 6, 13.)

1 *Caterpillar Inc. v. Williams*, 482 U.S. 386, 397 (1987) (federal jurisdiction exists when federal
2 question presented on the face of plaintiff's complaint).

3 **VENUE**

4 2. Venue is proper in the Fresno Division of this Court because the events which are the
5 subject of this action occurred in Kings County. *See* 28 U.S.C. §§ 84(b), 1391(b)(2), 1446(a);
6 E.D. Cal. L. R. 120(d).

7 **PLEADINGS AND PROCESS**

8 3. On March 23, 2022, Plaintiff filed a Complaint in Kings County Superior Court,
9 entitled *Crane v. Asuncion, et al.*, initiating case number 14-C-0180. A true and correct copy
10 of the Complaint is attached as Exhibit A. A summons was issued on March 23, 2022, and
11 was served on Defendant on June 30, 2022.

12 **TIMELINESS OF REMOVAL**

13 4. This Notice of Removal is timely filed within thirty days of the date Defendant
14 received the summons and complaint. 28 U.S.C. § 1446(b).

15 **NOTICE TO PLAINTIFF AND STATE COURT**

16 5. In compliance with 28 U.S.C. § 1446(d), Defendant is concurrently providing written
17 notice of this removal to Plaintiff and filing a copy of this Notice of Removal with the clerk of the
18 Kings County Superior Court.

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REQUEST FOR SCREENING

6. Defendant requests that this Court screen Plaintiff's Complaint under 28 U.S.C. § 1915A to identify cognizable claims, if any, and dismiss any claim that is frivolous, malicious, or fails to state a claim, or which seeks relief from a Defendant is immune from suit. 28 U.S.C. § 1915A(b)(1)-(2). Defendant further requests that she be allowed to file a responsive pleading thirty days from the issuance of a screening order.

Dated: July 27, 2022

Respectfully submitted,

ROB BONTA
Attorney General of California
TYLER V. HEATH
Supervising Deputy Attorney General

/s/ R. Lawrence Bragg

R. LAWRENCE BRAGG
Supervising Deputy Attorney General
Attorneys for Defendant G. Lopez

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CERTIFICATE OF SERVICE

Case Name: **R. Crane (C44519) v.
Dolihite (H56999), et al.**

Temp. **2:22-at-00777**
Case
No.

I hereby certify that on July 27, 2022, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

NOTICE OF REMOVAL TO FEDERAL COURT AND REQUEST FOR SCREENING

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

I further certify that some of the participants in the case are not registered CM/ECF users. On July 27, 2022, I have caused to be mailed in the Office of the Attorney General's internal mail system, the foregoing document(s) by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within three (3) calendar days to the following non-CM/ECF participants:

Richard Joseph Crane (C-44519)
Richard J. Donovan Correctional Facility
480 Alta Road
San Diego, CA 92179
In Pro Per

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on July 27, 2022, at Sacramento, California.

B. Supinger
Declarant

/s/ **B. Supinger**
Signature